

INDIANA LEGISLATURE.

(Omissions and omissions of this report for want of space in these columns will appear in an appendix to Volume XXIII of the Review Legislative reports.)

IN SENATE.

WEDNESDAY, April 8, 1885.
GENERAL APPROPRIATION BILL.

The Senate resumed consideration of the bill H. R. 479.

The item of \$8,000 for the bath, wash and dry house at the State Prison North being read—

Mr. PARKER: It seems to me \$8,000 for a bath house is a big figure. I move to amend by inserting the word "four" instead of "eight."

The amendment was rejected.

The committee amendment adding after the appropriations for the State Prison North a proviso "that all specific appropriations herein made for additional buildings and machinery for the State Prison North shall be paid out of the earnings of said prison," being read—

Mr. WILLARD: \$118,000 was the amount earned last year by the State Prison North. In this bill we have made a \$20,000 appropriation in addition to the \$85,000 for maintenance and repairs, leaving a surplus of earnings of \$13,000. The earnings have just been held over from year to year—that is the way it has been heretofore. They exceed the appropriations and say their earnings cover it.

Mr. BROWN moved to add "no such expenditure shall be made in any one year unless the earnings are sufficient to meet the same."

The amendment was agreed to.

The committee amendment as amended was read.

The amendment adopted by the Committee of the Whole adding \$400 for the State Horticultural Society, was agreed to.

Mr. WILLARD moved to amend Section 3 by adding an additional exception, stating that all appropriations herein made for additional buildings, libraries and all specific appropriations, are made but for one year—the fiscal year ending October 30, 1886.

Subsequently, on motion by Mr. YOCHE, the \$15,000 item for water supply for the Insane Hospital was also excepted, as was also the extra appropriations to Bloomington and Purdue University.

Mr. CAMPBELL, of St. Joseph, moved to reconsider the vote declaring that no expenditure shall be made in any one year, unless the earnings are sufficient to meet the same. It is desired these repairs shall go on now in 1885, and be paid from the earnings of 1884, some \$13,000 of which is on hand. This amendment provides the earnings used shall be those of 1885, which cannot be obtained till the close of the year.

Mr. FOWLER moved ineffectually—yeas, 8; nays, 32—to lay this motion on the table.

The motion to reconsider was agreed to.

Mr. BROWN withdrew the amendment the vote on the adoption of which was just reconsidered.

Mr. WILLARD to avoid ambiguity and definiteness, moved to insert instead of the words "are hereby" the words "in Section 2 of this act." If these words "are hereby" are left in the bill there will be a double appropriation.

Mr. YOCHE: That makes confusion. I move as a substitute to strike out the word "herby."

Mr. YOCHE: I think I can show the effect of this amendment will be to double these appropriations. [Reads and comments.]

Mr. McCULLOUGH moved that a select committee of three be appointed to frame the language so there can be no question.

The motion was agreed to and the Lieutenant Governor appointed as said committee Messrs. McCullough, Willard and Youche.

MONROE, LAWRENCE AND ORANGE COURTS.

On motion of Mr. DUNCAN, of Brown, the bill [H. R. 565] to fix the time for holding courts in the Tenth Judicial Circuit was read three times under a suspension of the rules and finally passed by yeas 44, nays 0.

Mr. FAULKNER: This is another of those lawless bills being passed by double-reared lightning, but I am willing to help them, and I vote "aye."

THE GENERAL APPROPRIATION BILL.

Mr. Willard and Mr. Youche withdrew their amendments, and the special committee recommended striking out the first six lines on page 33 of the printed bill, except the words "or so," and inserting after the word "one" in line 8, these words, "of any money in the State Treasury not otherwise appropriated."

The committee amendment was agreed to.

On motion by Mr. WILLARD the constitutional rule was suspended, so the bill may be read the third time now.

The reading was commenced—

AFTERNOON SESSION

The reading was continued and the bill passed by yeas 44, nays 11.

Mr. BEN: In explanation of his vote, said: There are several things in that bill too extravagant, and I did all in my power to prevent the extravagance, but as we must have an Appropriation bill I will vote "aye."

Mr. FAULKNER, when his name was called, said: There are a number of things in the bill I think are wrong. I did all I could to keep them out, but as one man can't have everything he wants, and I don't think that a good excuse to vote against the bill, I vote "aye."

Mr. McCULLOUGH, when his name was called, said: I think there is at least \$100,000 more in that bill than there ought to be—\$100,000 more than is necessary, and I vote "no."

Mr. WILLARD: As Chairman of the Committee on Finance I have endeavored to keep the appropriations low as necessary. As I have stated it will create a deficiency of \$200,000 if it passes. I don't feel like going on record in favor of such a bill, so I vote "no."

Mr. CAMPBELL, of Hendricks: I desire to change my vote and give the reasons. I recognize the fact that appropriations have to be made and that the majority are responsible for them; but when the Chairman of the Committee on Finance votes against a bill he has proposed, I desire to change my vote and vote "no."

Mr. HUSTON: For the same reason given by the Senator from Hendricks I desire to change my vote. I vote "no."

Mr. DRAKE: I desire my name shall be called again.

Mr. McCULLOUGH: Call my name.

The Appropriation bill did not meet my judgment at all, but I notice the Republican minority voted for the largest appropriations as they came up, and if they want to make expenses of that kind I will assist, and vote "no."

Mr. MARSHALL: Inasmuch as the Senator from Gibson (Mr. McCullough) has charged that the Republicans on this floor have tried to make this bill as large as they could, and as I, for one Republican, have tried to keep these appropriations down as low as I could, and I see they are yet also the too large vote "no."

Mr. THOMPSON asked that his name be

again called, and said: Inasmuch as Senators around me are going back on what they have done, I, too, will repent, and will vote "no."

Mr. DAVIS: I desire to change my vote.

No.

Mr. ADKISON, asking that his name be again called: I understand that this Appropriation bill is the offspring of the Democratic party, but as its father sees proper to go back on its offspring, I vote "no."

Mr. RICHARDSON, desiring his name to be again called, voted "no."

Mr. HILLGASS: I want to say this reference to my vote: We have been at work several days on this bill; we have worked upon it in a committee of the whole Senate, and we have agreed upon this bill. I see a disposition on the part of one or two individuals to charge the responsibility of passing this bill upon the Democratic party. The changing started on the Republican side of the House. I have no responsibility to shrink, and I don't desire to shrink. This bill is the work of members of the Senate, and the work of the Committee of the Whole. I want to say to Republican Senators upon this floor that they have acquiesced in the main in all the work upon the Appropriation bill.

The PRESIDING OFFICER (Mr. Willard in the chair): Does the Senator desire to change his vote?

Mr. HILLGASS: I will tell you at the end of my speech.

The PRESIDING OFFICER: If not, the Senator is out of order.

Mr. ADKISON: I want to say I changed my vote because the Chairman of the Committee on Finance (Mr. Willard) went back on his own offering.

The PRESIDING OFFICER (Mr. Willard in the chair): No, this bill is not the offspring of the Chairman of the Finance Committee.

Mr. HILLGASS: Upon the call of the roll the Chairman of the Finance Committee voted—he had a right to vote as he pleased. He voted when his name was called, and he voted "no," as he had a perfect right to do, but immediately following that comes an effort upon the Republican side of the House to charge the responsibility of passing this bill upon the Democratic party.

Mr. BENZ: I don't think the Senator has the right to make a speech when he has voted already.

Mr. Zimmerman voted "aye."

Mr. SELLERS: I desire to say that this bill does not meet my approbation, but it has been prepared and passed by the House of Representatives, and amended by a majority of this Senate. I desire to acquiesce in the will of the majority. I can not assume the responsibility of helping to change the General Appropriation bill because it does not meet my approval, and therefore, I vote "aye."

So the bill passed.

COLLECTION OF DELINQUENT TAXES.

Mr. WILLARD: I move to suspend the regular order and take up House bill 543. That bill is more important than the bill which has been before this body, not excepting the General Appropriation bill; for it proposes to put back the compensation to County Treasurers for collecting delinquent taxes to 6 per cent.

RAILROAD TRACK FENCES.

Mr. HUSTON: In the consideration of House bill 71 I have acted fairly. I hold that this effort to change the order is not being made by those friendly to House bill 71. I agree with the Senator as to the importance of the House bill 543, but the Senate having repeatedly made the bill 71 a special order, it should not now be set aside. It is a bill clearly in the interest of the farmer, and not unfair to railroad interests. I move to lay on the table the motion to suspend the order of business.

This motion was agreed to by yeas 27, nays 21.

Mr. HUSTON moved that the Senate Committee on Finance be authorized to report a bill requiring railroads within six months to fence their tracks be ordered engrossed. It is similar to the laws in Illinois, Missouri, Iowa and Kansas, except it is much milder toward railroads.

Mr. ADKISON: This bill will be imposing a burden on railroad companies which they can not meet. If this bill is to pass it should be amended to give further time. I move to strike out the word "six" and insert in lieu thereof "eighteen."

Mr. SMITH, of Jennings: I am not opposed to the bill in its right form. I am in favor of railroad corporations fencing their lines. I am constrained to believe this bill is in favor of large corporations and against small ones. On principles of equality and justice the doctrine of partition fences should apply to this bill. I don't mean that owners of property should fence one-half, but that there should be some equality in the matter of fencing railroad tracks. The owner of the real estate should contribute to the building of the fence. A railroad company is not liable for the killing of stock without reference to negligence. The first section of this bill repeals that law. Another provision is clearly unconstitutional. No man has the right to enter upon the premises of another and commit any act without the privilege of the owner. The railroad corporations give more employment to the laborers than all the other corporations combined. There is yet another feature in the bill the reverse of every law on the subject in the State of Indiana.

Mr. CAMPBELL, of Hendricks: I agree that the bill is a bad one, but I vote "aye" for the reason that it is a short time, but eighteen months is too long; after the railroad company has had a reasonable time, the owner of the land adjoining should have the right to build the fence. The partition fence law was made with reference to the fencing of railroads. This bill gives ample time to build fences and cattle guards, considering the fact that it will not take effect till after publication of the laws.

Mr. HUSTON: This bill simply requires railroad companies to build fences where land is improved in six months, but has no emergency clause which practically removes all liability for the killing of stock where the track is fenced. Then it gives the owner of land the right to fence where the railroad refuses, and allows the railroad sixty days to pay; then, if the railroad tenders payment for the value of the fence within sixty days the claimant can not collect attorney fees. The farmers of Indiana have heretofore been building these fences, and it is but fair that railroads should hold up that end of the string now. Of the 5,000 miles of railroad track in this State all but about 900 miles are fenced. This bill, so far, is just and equitable. I trust will be passed by the Senate.

Mr. CAMPBELL, of St. Joseph: I move to amend the bill by striking out the word "eighteen" and inserting in lieu thereof "twelve." I believe six months is too short and eighteen months too long a time to require these fences to be built. The argument that there are some railroads upon which this bill will be a burden is a strong argument to me why the bill should be passed, because if they are not able to build proves they are probably unable to pay for stock they kill.

Mr. WILLARD: While the amendment would relieve the bill of a dangerous feature, there is still an objection to this bill. It is in favor of any one it is in favor of the railroad companies. There is only one way it can be construed as constitutional, and that is it will be a police regulation. The effect will be wherever roads are unsafe and where they are already safe there will be no way of securing pay for stock killed. I introduced January 21 a bill that gave the farm-

ing community a chance for their protection. I sent it to the Agricultural Committee and it has never been reported back. That bill required action to be brought on relation of the State and the suit pressed by the Prosecuting Attorney, so the farmers would obtain the answer of their loss without any expense. This bill repeals every chance the farmer has to recover where railroads are fenced in accordance with this act. The amendments do not go far enough.

The amendment to the amendment was agreed to upon a division.

The amendment as amended was also agreed to by yeas 24, nays 22.

Mr. YOCHE moved to amend by adding a Section 4. Nothing in this act shall change the liability of railroad corporations for stock killed or injured on that railroad.

Mr. McCULLOUGH: This bill would by implication repeal an existing law, as to all railroads at least that run through unenclosed lands. The amendment should be adopted. I am in favor of giving the farmer every right and every protection.

Mr. HUSTON: I am heartily in accord with the amendment. I demand the previous question.

The Senate refused to second the demand for the previous question upon a division—affirmative, 21; negative, 20.

Mr. MAGEE: I can see no necessity for the amendment.

Mr. McCULLOUGH: It would not do to pass this bill and repeal the law in force. I think this amendment prevents vicious legislation in the bill.

The amendment was agreed to by yeas 34, nays 10.

Mr. WILLARD moved to strike from the bill the allowance of attorney fees. While I am opposed to the bill if it is passed this provision should be eliminated from it.

Mr. MAGEE: I move that this bill and all amendments be referred to a select committee with instructions to report at 10 o'clock to-morrow. It is now after 6 o'clock.

Mr. HUSTON: I hope that motion will not prevail. The committee will doubtless report a cumbersome bill that will provoke as much discussion as this one will.

Mr. HILLGASS: I think that motion ought to prevail. The only intelligent way is to refer this bill and amendments to a special committee.

Mr. WEST: I hope the motion will not prevail.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 8, 1885.

LIQUOR DEALERS' SURETIES.

Mr. Williams' bill [H. R. 305] relative to the release of sureties on the bond of liquor dealers having been read the third time, Mr. Williams explaining, said: The chief liability is the surety is liable for fines and costs. Where a man is keeping a disorderly house the surety should have the right to say to his principal you must keep an orderly house.

Mr. SMITH, of Tippecanoe: It is the clause, where he fails to get a bondsman then this liquor dealer, principal and all the bondsmen are acquit, that is objectionable.

Mr. WILLIAMS: Oh, no.

Mr. SMITH: This liquor selling is a privilege granted for which money is paid. I want to be careful not to release any obligations the principal or bondsmen have assumed.

Mr. TAYLOR: This bill ought to become a law. It provides for a release of sureties just as a person may be relieved from the bond of a criminal; and I think that is right. I see nothing wrong about it. I think it a good bill and ought to become a law.

Mr. STALEY demanded the previous question.

The House seconded the demand, and, under its operation, the bill passed by yeas 60, nays 0.

Mr. PATTER: I don't believe we have power to relieve sureties from the responsibility attendant upon the license while it is in force.

Mr. SMITH, of Tippecanoe: I am opposed to the bill because of the possible danger in it, and I vote "no."

The vote was then announced above. So the bill passed.

APPELLATE COURT.

The bill [S. 373] providing for the establishment of an Appellate Court of five judges at an annual salary of \$4,000 each, at Indianapolis, was reported back from the committee without recommendation.

Mr. BOOE moved to amend by striking out the section which provides that the judges shall be elected by the votes of the respective districts which they represent.

Mr. SMITH, of Tippecanoe: I come from a county like Marion that believes in a non-partisan judiciary. I believe in such courts, but it is not a desirable one to strike out the non-partisan features with which it comes from the Senate. I shall vote against the bill. It is my opinion that the judiciary can only be enthroned in the hearts of the people by its non-partisan character. All the people are interested in the courts, therefore the courts should represent the political opinions of the whole people. No other court can stand the test of favor. High qualifications, non-partisan characters and the representation of the people [is the present and will be the future test of a judiciary.]

Mr. BROWNLEE: I am in favor of the bill as it came from the Senate. It is non-partisan in its provisions, and will receive my support; but if the amendment is adopted, and the court is to be placed upon the level of politics, I am against it. The judgment of the people—those that do the voting and pay the taxes—demand that their courts shall be taken out of and removed from politics. I believe the better judgment of all men is that the Judiciary of the State and Nation be removed from all political influence. The one thing that must be kept free from the slime and mud of politics is the bench, and for a non-partisan court I plead; and I notify the gentlemen that offer this amendment that if they succeed in incorporating it in this bill, so doing they bury the death knell of the measure. The minority in this House will gladly give their support to this bill as it comes from the Senate, and share in the responsibility of its passage, but believe it of its non-partisan features of the bill. I believe that so long as the judiciary of this country remain pure and incorruptible, the institutions we love are safe; and, believing that the best way to make and keep the bench pure and free from suspicion, is to make it non-partisan; and, believing that in this position I will be sustained by a majority of the people, I move with a sentiment in this body, and by the best sentiment in this State, I move to lay the amendment on the table.

The motion was rejected by yeas 46, nays 47.

The amendment was agreed to.

Mr. LOYD moved to strike from the bill the enacting clause.

Mr. McCULLOUGH made an ineffectual motion—yeas 20, nays 58—to lay the motion on the table.

The motion [Mr. Loyd's] was then agreed to by yeas 50, nays 21.

FEES AND SALARIES.

Mr. SEARS, from the special committee to which was referred the Cartwright fee and salary bill, reported it back with the recommendation that it pass with amendments.

The House refused to concur in the amendments, and the bills were ordered engrossed.

SUPREME COURT COMMISSIONERS.

Mr. WILLIAMS' bill [H. R. 500] to abolish the office of Supreme Court Commissioner, was read the third time, and passed by yeas 72, nays 3.

AFTERNOON SESSION.

Mr. Overman's bill to prevent railroad companies from making extra charges where passengers fail to purchase tickets before getting on the train failed to pass for want of a constitutional majority by yeas 50, nays 43.

SPECIFIC APPROPRIATIONS.

The bill [H. R. 487]—the Specific Appropriation bill—was read a third time and passed—yeas, 59; nays, 21.

WEATHER SERVICE.

The bill [H. R. 488] to establish the Indiana Volunteer Weather Service and locating it at De Pauw University, was passed—yeas, 65; nays, 13.

VOLUNTARY ASSOCIATIONS.

Mr. Robinson's bill [H. R. 14] to amend the act concerning voluntary associations formed for the purpose of insuring farm property, failed to pass for want of a constitutional majority—yeas, 41; nays, 20.

COMMON SCHOOLS.

Mr. Overman's bill [H. R. 185] to amend Section 102 of the common school act failed to pass for want of a constitutional majority—yeas, 47; nays, 26.

Mr. Smith, of Tippecanoe's, bill [H. R. 188] fixing the salary of the Superintendent of Public Instruction at \$2,500 and giving him certain fees derived from candidates of license, was defeated—yeas, 35; nays, 34.

DECEASED'S ESTATES.

Mr. Staley's bill [H. R. 210] to amend Section 210 of an act providing for the settlement and distribution of decedents' estates, was read a third time.

Mr. STALEY explained that the bill simply makes one change in the existing law, and that is demanded by a great many attorneys and courts of the State. It allows thirty instead of ten days' time for a transcript in probate proceedings to be taken to the Supreme Court.

The bill passed—yeas, 67; nays, 3.

FISH PROTECTION.

Mr. Linville's bill [H. R. 212] to amend Section 203 of the act concerning public offenses, was read a third time, the author explaining that the only change from the present law for the protection of fish, was that it allowed owners of private fish ponds to stock and replenish them by catching them with a seine or trap.

The bill passed—yeas, 61; nays, 22.

THE PUNISHMENT OF WIFE-BEATERS.

Mr. HELMS moved that the House take up the bill [H. R. 557] providing for the punishment of wife-beaters by whipping them.

The motion was agreed to by yeas 58, nays 22. The bill was read the first time, and under the operation of the previous question, the vote on its passage resulted yeas 42, nays 36.

Pending the roll call—

Mr. BARNEY: I would be ashamed to go home to my constituents and tell them that we had to recognize the necessity for a law like this. I vote "no."

Mr. DEEM: I am glad to say that I live in a section of the State where wife whipping is unknown. If this bill should become a law it would be a step back toward barbarism. I vote "no."

Mr. HARRELL: I regard it as unwise to put this law on the statute books, for it is unconstitutional. Article 1, Section 10, of the Constitution provides that no cruel or inhuman punishment shall be inflicted. I vote "no."

Mr. HAYDEN: For the reason that I believe that no punishment can be too severe nor no degradation too great for a man who strikes his wife, I vote "aye."

Mr. HELMS: As I believe in protecting the weak, who are not able to protect themselves, I vote "aye."

Mr. ROBINSON'S bill [H. R. 109] to amend Section 5 of the act providing for the taxation of dogs was read a third time and defeated by yeas 20, nays 43.

The House then adjourned.

Royal Croquettes—Roast a plump, tender chicken, and, when cool, chop the white meat as fine as possible, then pound to a smooth paste. Scald a sweetbread and remove the sinews. Fry it brown in butter, then let it cool. Pound it to a smooth paste and add it to the chicken. Season to taste with pepper and salt, and add a well-beaten egg. Moisten it with rich cream, and work into a teaspoonful of flour to give it consistency. Stir it well over the fire until it becomes hot, then spread it upon a buttered dish to cool. For the more interesting croquettes, and egg, bread crumb, and fry them in the usual way.

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